

500.43579X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. TERA0 et al.
Application No.: 10/790,881
Filed: March 3, 2004
For: MEMORY DEVICE
ATTENTION: Refund Section, Account Division
Office of Finance

REQUEST FOR REFUND/CREDIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 5, 2007


Sir:

In accordance with the Notice set forth in 1027OG 115, it is respectfully requested that the fee charged to the Deposit Account of Antonelli, Terry, Stout and Kraus, LLP, Account No. 01-2135, on December 5, 2006 in the amount of \$450.00 for a two-month Extension of Time in the above-identified application, and as noted on the Monthly Statement of Deposit Account dated December 30, 2006, be refunded for the following reason.

A Final Office Action was issued, dated July 5, 2006. The Office Action Summary sheet (PTOL-326) did not specify a time period for responding to the Office Action (see Exhibit 1). Subsequently, and in response to the Office Action, Applicants filed a paper entitled, "Statement Regarding Period for Response (see Exhibit 2)" (note, an RCE and Amendment Under 37 CFR §1.114 were filed concurrently) pointing out the omission of a specified expiration date for the Office Action.

In conversation with Ms. Margaret Byars, LIE for GAU 2815, on October 4, 2007, when questioned about the need for an Extension of Time in this matter, she concurred that no Extension of Time was necessary and instructed us to submit a Request for Refund for the \$450.00; also enclosed is a copy of the PTO WFEE cover sheet showing the details regarding the charge (see Exhibit 3). Accordingly, please credit the amount of \$450.00 to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP (No. 01-2135) (Dkt. Case 500.43579X00) as soon as possible.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By Gregory E. Montone 
Gregory E. Montone
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GEM/dks

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Attachments: Exhibits 1-3, as stated.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/19/2006

MBYARS SALE #00000002 Mailroom Dt: 12/05/2006 012135 10790881
01 FC : 1252 450.00 DA

Adjustment Date: 10/22/2007 MGE BREM1
12/19/2006 MBYARS 00000002 012135 10790881
01 FC:1252 450.00 CR

Office Action Summary

Application No.

10/790,881

Applicant(s)

TERAO ET AL.

Examiner

Jerome Jackson Jr.

Art Unit

2815

The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

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- 1) ☒ Responsive to communication(s) filed on 17 April 2006. **NOTE**
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/14/08.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant: M. TERA0, et al.
Serial No: 10/790,881
Filed: March 3, 2004
Title: MEMORY DEVICE
Group: 2815
Examiner: J. JACKSON, Jr.

STATEMENT REGARDING PERIOD FOR RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 5, 2006

Sir:

The Request for Continued Examination (RCE) and the Amendment being filed herewith are each in response to the Final Office Action mailed on July 5, 2006. In this Final Office Action, a form PTOL-326 has been provided as an Office Action Summary. This form PTOL-326 includes a heading "Period for Reply" and, under this heading, no time has been set for the shortened statutory period. In addition, under the heading "Period for Reply" the statement is made:

"If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication."

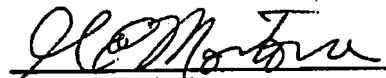
Accordingly, from the above-noted statements made in the PTOL-326 form, it is applicants understanding that the full six-month period for response is available in this matter, without the need for filing a Petition for Extension of

Time form. Therefore, entry of the attached RCE and Amendment, without the need for a Petition for Extension of Time, is respectfully requested.

If the Examiner believes there are any matters which can clarified either by way of a personal or telephone interview, the Examiner is invited to contact Applicants undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 500.43579X00) and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP


Gregory E. Montone
Registration No. 28,141

GEM/dks

EXHIBIT 3

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/19/2006

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